

A U S T I N C I T Y C O U N C I L

AGENDA



Thursday, July 27, 2006

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Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action) RECOMMENDATION FOR COUNCIL ACTION

ITEM No. 143

Subject: C14-06-0111 - First Pentecostal Church of Austin - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7440 Ed Bluestein (Walnut Creek Watershed) from limited office (LO) district zoning; neighborhood commercial (LR) district zoning and multi-family residence-medium density (MF-3) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: First Pentecostal Church of Austin (Ruby Hall). Agent: The Brown Group (Martin Brown). City Staff: Robert Heil, 974-2330.

Additional Backup Material

(click to open)

- ☐ [Staff Report](#)
- ☐ [Ordinance](#)

For More Information: Robert Heil, 974-2330.

ZONING CHANGE REVIEW SHEET**CASE:** C14-06-0111 First Pentecostal Church of Austin **P.C. Date:** June 27, 2006**ADDRESS:** 7440 Ed Bluestein**OWNER/APPLICANT/** First Pentecostal Church of Austin (Ruby Hall)**AGENT:** (The Brown Group) Martin Brown**ZONING FROM:** LO, LR and MF-3**TO:** LR-CO**AREA:** 1.036 acres**SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of the request for neighborhood commercial – conditional overlay (LR-CO) combining district zoning for the property. The conditional use would limit the maximum vehicle trips to no more than 2000 per day.

PLANNING COMMISSION RECOMMENDATION:

June 27, 2006: APPROVED STAFF'S RECOMMENDATION FOR LR-CO ZONING; BY CONSENT. [J.REDDY, D.SULLIVAN 2ND] (9-0)

DEPARTMENT COMMENTS:

The property is the site of the First Pentecostal Church of Austin. The church is seeking to rezone the property to allow for increased impervious cover from 70% to 80% needed for expansion of the church facilities.

Staff recommends approval of the request for neighborhood commercial – conditional overlay (LR-CO) combining district zoning for the property. The conditional use would limit the maximum vehicle trips to no more than 2000 per day.

The site lies within the University Hills Neighborhood Planning area which held its first workshop November 5, 2005.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO, LR and MF-3	Church and one duplex
<i>North</i>	Unzoned (county)	Vacant
<i>South</i>	SF-2	Single Family Homes
<i>East</i>	GR	Duplexes
<i>West</i>	MF-3 and SF-2	Duplexes and Single Family Homes

AREA STUDY: The site lies within the University Hills Neighborhood Planning area which held its first workshop November 5, 2005.

TIA: A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS

- Windsor Park Neighborhood Association
- University Hills Neighborhood Association
- Mueller Neighborhoods Coalition
- Keep the Land
- Anberly Airport Association
- Austin Neighborhood Council
- Taking Action, Inc.
- PODER (Peple in Defense of Earth and her Resources)

SCHOOLS: (AISD ISD)

Winn Elementary School

Pearce Middle School

LBJ High School

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus	Bike
US 183	Varies	Varies	Arterial	No	No	No
Dubuque Lane	64'	40'	Collector	No	No	No
Vintage Hills Drive	77'	65'	Local (cul-de-sac)	No	No	No

CITY COUNCIL DATE:

ACTION:

July 27, 2006:

ORDINANCE READINGS:

1st

2nd

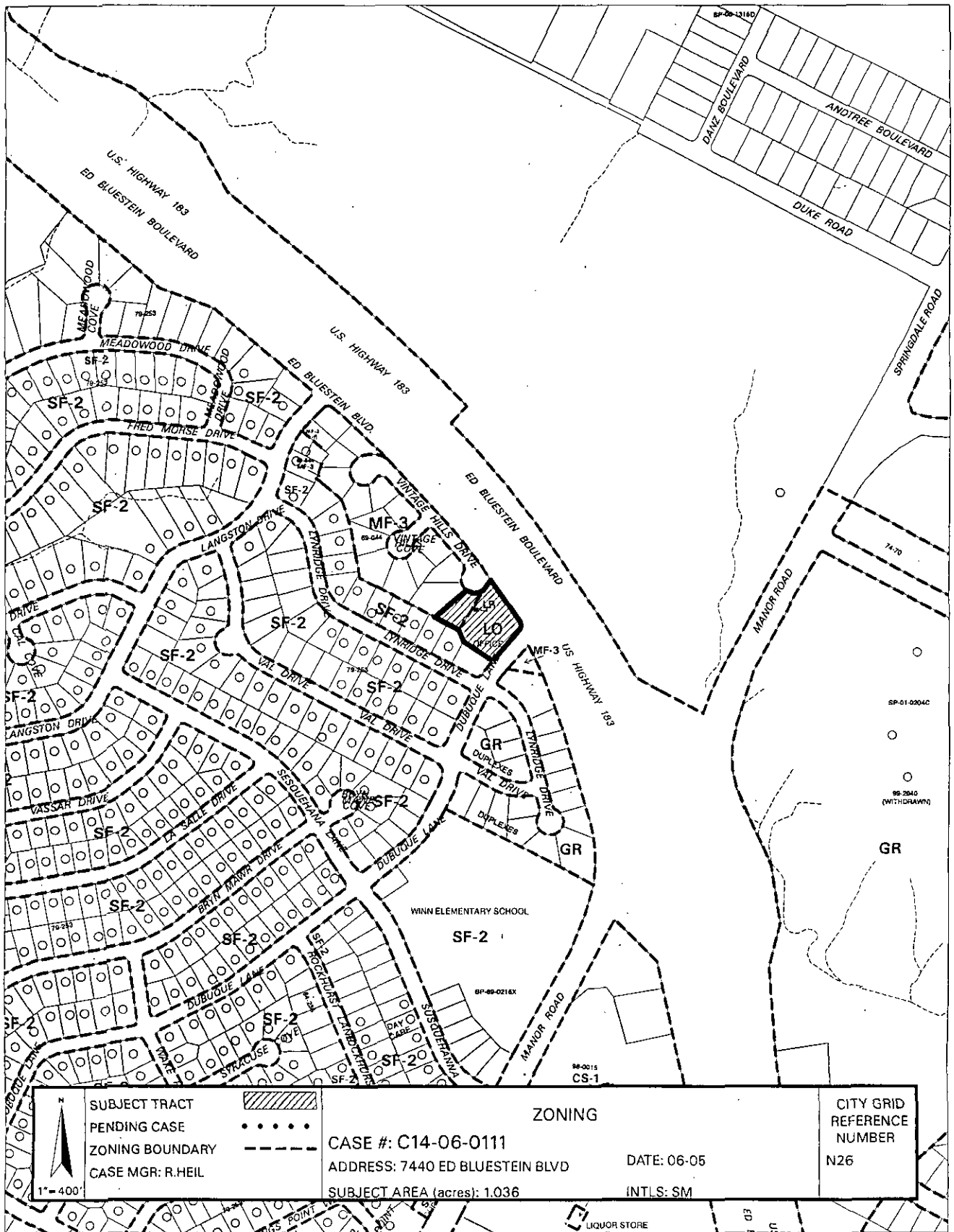
3rd

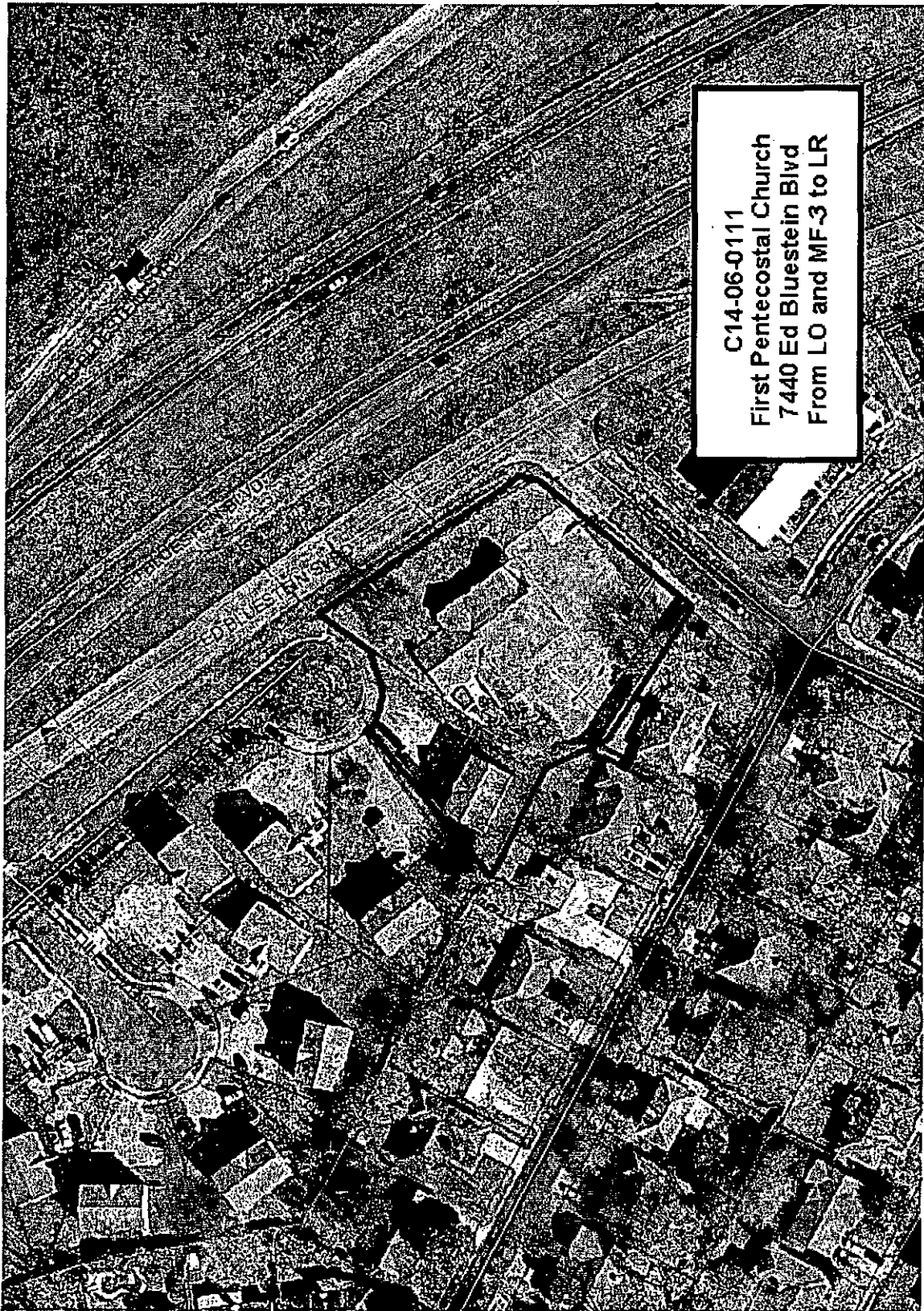
ORDINANCE NUMBER:

CASE MANAGER: Robert Heil

PHONE: 974-2330

e-mail address: robert.heil@ci.austin.tx.us





SUMMARY STAFF RECOMMENDATION

Staff recommends approval of the request for neighborhood commercial – conditional overlay (LR-CO) combining district zoning for the property. The conditional use would limit the maximum vehicle trips to no more than 2000 per day.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The property lies at the intersection of a major arterial and a collector street. Even if the property is redeveloped with something other than the intended civic use of a church, LR zoning is compatible with the neighborhood..

EXISTING CONDITIONS

The property is the site of the First Pentecostal Church of Austin. The church is seeking to rezone the property to allow for increased impervious cover from 70% to 80% needed for expansion of the church facilities.

Site Plan

The site is subject to compatibility standards. Along the south property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line
- A landscape area at least 4 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

No additional right-of-way is needed at this time along Dubuque Lane or Vintage Hills Drive.

The Austin Metropolitan Area Transportation Plan calls for 400 feet of right-of-way for US 183. If the requested zoning is granted for this site, then 200 feet of right-of-way from the existing centerline should be reserved for US 183 in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]

The trip generation under the requested zoning is estimated to be 2,580 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bus	Bike
US 183	Varies	Varies	Arterial	No	No	No
Dubuque Lane	64'	40'	Collector	No	No	No
Vintage Hills Drive	77'	65'	Local (cul-de-sac)	No	No	No

Environmental

1. The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

2. According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.
3. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
4. At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
5. Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.
6. At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustments are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

~~TEA 12~~

FAX COVER SHEET

DATE: June 27, 2006

TIME: 8:56 AM

TO: Neighbor Planning/Zoning Dept.

FAX: 974-6054

ATTN: Robert Heil

FROM: Grant F. Little, Jr.

FAX: 926-1595

RE: Proposed Zoning Change
Case Number: C14-06-011
Owner: First Pentecostal Church

Number of pages including cover sheet: [3]

Message:

The enclosed faxed document states my opposition to the proposed zoning change for First Pentecostal Church located at 7440 Ed. Bluestein Blvd, Case Number: C14-06-011|.

Kindly note and share with City Council the following:

- **Timing:** Rezoning Notification Mailing Date May 26, 2006. Whether by design or coincidence, rezoning request arrived **after** May 20, 2006, the
 - Last meeting before summer recess (August 19th) of University Hills Neighborhood Association (UHNA) area neighborhood—No mention was made of this proposed zoning change during this session
 - Meeting of University Hills and Windsor Park Neighborhood Associations with City's Neighborhood Planning staff to focus on Future Land Use Workshop—No mention was made of this proposed zoning change during this session.

CONCERN: No indication that church or agent tried to work with applicable neighborhood organization(s) prior to submitting an application.

- **Location:** The toll road design will change the ingress and egress to Ed. Bluestein Blvd, 183, and perhaps open other alternative usages for site.
- **Precedent:** Limited responses to proposed zoning change because neighbors accepted First Pentecostal Church's rationale for zoning change—need additional area for church expansion at face value. Some of the homeowners haven't lived in the area as long enough to remember or experience **REALITY**. Two precedents, examples, in this area where blind faith and reality were polar opposites are:
 - Dottie Jourdan Park – **BLIND FAITH:** Walter Carrington, developer, marketed planned this site as a private park for homeowners. **REALITY:** After the all home were sold and the area developed, Carrington petitioned for high-density usage rezoning. **Summarizing,** Homeowners and developer fought over proposed zoning change. City eventually purchased site for community use. *Blind*
 - Fourplex sites 7440 Ed Bluestein Blvd area – **BLIND FAITH:** Bill Milburn, developer, marketed planned this site as low-density home and park area. **REALITY:** After the all home were sold and the area developed, Millburn petitioned for MF-3 rezoning. **Summarizing,** Homeowners and developer fought over proposed zoning change. Developer won, multiplex units built, and integrity of neighborhood declined.

IG INFORMATION

I be reviewed and acted upon at Land Use Commission and the cants and/or their agent(s) are g, you are not required to attend. I have the opportunity to speak i development or change. You d or environmental organization n an application affecting your

ard or commission may postpone earing to a later date, or may mmendation and public input tion to the City Council. If the a specific date and time for a at is not later than 60 days from ice is required.

ity Council may grant or deny a d to a less intensive zoning than ant a more intensive zoning.

r mixed use development, the ID USE (MU) COMBINING ul districts. The MU Combining d uses in addition to those uses mmercial zoning districts. As a trict allows the combination of residential uses within a single

a the City of Austin's land ebsite:
l.usz/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0111

Contact: Robert Heil, (512) 974-2330

Public Hearing:

June 27, 2006 Planning Commission

☐ I am in favor
☒ I object

Grant F. Little, Jr

Your Name (please print)

3107 Lynridge Drive

Your address(es) affected by this application

Grant F. Little, Jr
Signature

6/26/06
Date

Comments: Would favor the proposed zoning change from LO and MF-3

ONLY IF THERE IS A CONDITIONAL OVERLAY THAT RESTRICTS

USAGE —MUST BE MAINTAINED AS A RELIGIOUS OPERATION

ONLY.

The Conditional Overlay allows the Church to maximize the utilization

of their property and maintains our neighborhood's integrity. Specifically,

the toll road design changed the ingress and egress to Highway 183.

Ed Bluestein Blvd, for this area; should the Church decide to sell, a

Conditional Overlay assures neighborhood input in rezoning procedures

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0114

Contact: Robert Heil, (512) 974-2330

Public Hearing:

June 27, 2006 Planning Commission

Your Name (please print)

DALE COLVIS



Your address(es) affected by this application

1400 E. 51ST ST. AUSTIN, TX.

Signature

Date

Dale Colvis 6/23/06

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-06-0114

Contact: Robert Heil, (512) 974-2330

Public Hearing:

June 27, 2006 Planning Commission

Pastor Kenneth Phillips

Your Name (please print)

1504 E. 51st Street, Austin, TX 78723

Your address(es) affected by this application

Kenneth Phillips

Signature

June 21, 2006

Date

Comments:



If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 7440 ED BLUESTEIN BOULEVARD FROM MULTIFAMILY RESIDENCE MEDIUM DENSITY (MF-3) DISTRICT, LIMITED OFFICE (LO) DISTRICT AND NEIGHBORHOOD COMMERCIAL (LR) DISTRICT TO NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from multifamily residence medium density (MF-3) district, limited office (LO) district and neighborhood commercial (LR) district to neighborhood commercial-conditional overlay (LR-CO) combining district on the property described in Zoning Case No. C14-06-0111, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 1, Vintage Hills St. Dedication and Lot 39, Block E, Vintage Hills Section 7 Subdivision, a subdivision in the City of Austin, Travis County, Texas, being more particularly described in a deed recorded in Volume 11933, Page 981, of the Real Property Records of Travis County, Texas, (the "Property"),

locally known as 7440 Ed Bluestein Boulevard, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the neighborhood commercial (LR) base district and other applicable requirements of the City Code.

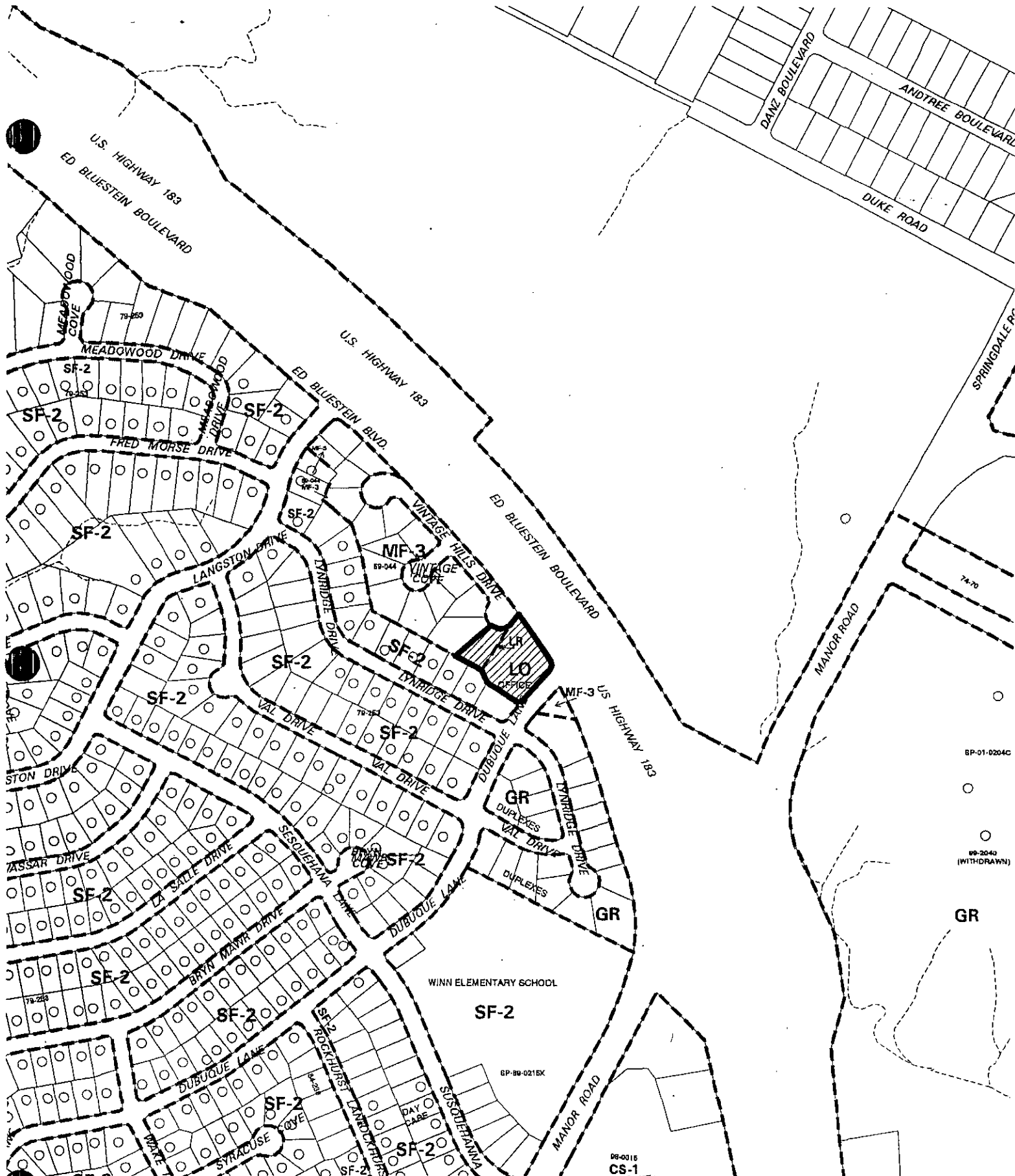
1 **PART 3.** This ordinance takes effect on _____, 2006.

3
4 **PASSED AND APPROVED**

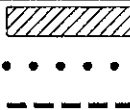
5
6 §
7 §
8 _____, 2006 § _____

9 Will Wynn
Mayor

10
11
12
13 **APPROVED:** _____ **ATTEST:** _____
14 David Allan Smith Shirley A. Gentry
15 City Attorney City Clerk



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: R.HEIL



CASE #: C14-06-0111
 ADDRESS: 7440 ED BLUESTEIN BLVD
 SUBJECT AREA (acres): 1.036

ZONING EXHIBIT A

DATE: 06-05

INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 N26

1" = 400'